

Notice of Allowability	Application No.	Applicant(s)	
	10/051,895	YAMAGATA ET AL.	
	Examiner	Art Unit	
	Scott B. Geyer	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to an amendment, dated December 6th, 2004.
 2. The allowed claim(s) is/are 1-77.
 3. The drawings filed on 17 January 2002 are accepted by the Examiner.
 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

Claim Objections

The applicant's amendments to claims 43, 51, 59, 67 and 75 are acceptable.

Accordingly, the objections to these claims are withdrawn.

Claim Rejections - 35 USC § 112

The applicant's amendments to claims 64, 65 and 73 are acceptable.

Accordingly, the rejection of these claims under 35 USC 112, second paragraph, is withdrawn.

Double Patenting

The applicant's amendments to claims 1 and 62 are acceptable. Accordingly, the rejection of these claims under obviousness-type double patenting is withdrawn.

Allowable Subject Matter

Claims 1-77 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 8-42, 44-50, 52-58, 60, 61, 70-72, 74, 76 and 77 were noted as allowable in the previous office action, dated August 24, 2004 (paper no. 0804). The applicant has amended independent claims 1 and 62 to incorporate allowable subject matter, as was indicated in the previous office action (paper no. 0804); the amendment of claims 1 and 62 also renders moot the double patenting rejection of these two claims. Accordingly, claims 2-7 are also deemed allowable since they depend from claim 1 and claims 63-69 are also deemed allowable since they depend from claim 62. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee

and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott B. Geyer whose telephone number is (571) 272-1958. The examiner can normally be reached on weekdays, between 10:00am - 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (571)272-2034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBG 1/4/05

SBG
January 4, 2005

David H. Zarnke
DAVID ZARNEKE
PRIMARY EXAMINER
1/7/05